

XI. ADMIRALTY AND MARITIME CLAIMS

Civil L.R. 100.1 Scope of Rules

Civil L.R. 100.1-100.8 apply to any claim governed by the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

Civil L.R. 100.2 Pleadings and Parties

- (a) Every complaint filed as a Federal Rules of Civil Procedure action must state “In Admiralty” following the designation of the court, in addition to the statement, if any, contained in the body of the complaint, pursuant to such rule. If the complaint contains a claim at law, it must state “at Law and in Admiralty”.
- (b) Every complaint in Supplemental Rule B and C actions must state the amount of the debt, damages, or salvage for which the action is brought. This amount must be included in the process, together with description of the nature of any unliquidated items claimed, such as attorneys fees. The defendant or claimant may give bond or stipulation in such amount, plus interest and costs including an amount stipulated to by the parties or fixed by the Court for an unliquidated item, unless a federal statute, procedure or court of applicable state statute requires some other amount.
- (c) In cases of salvage, the complaint must state, to the extent known, or estimate the value of the hull, cargo, freight and other property salvors, and that the suit is instituted on their behalf and on behalf of all other persons interested or associated with them. An attachment to the complaint must also list all known salvors, all persons entitled to share in any salvage award, and a statement as to any agreement of consortium available and known to exist among them or any of them, together with a copy of any such agreement.

Civil L.R. 100.3 Verification of Pleadings, Answers to Interrogatories and Request for Admissions

Complaints in admiralty must be verified when Supplemental Rule B, C, or D so requires. Verification must be made by a party or by an officer of a corporate party. If no party or corporate officer is within the district or readily available, verification of complaint, claim, answer to interrogatories or request for admission may be made by an agent, attorney-in-fact or attorney of record, who must state the source of his or her knowledge, declare that the document affirmed is true to the best of his or her knowledge, state the reason why verification is not made by a party or a corporate officer, and state that he or she is authorized so to act. Any interested party may move the Court, with or without a request for stay, for the personal oath of a party or all parties, or that of a corporate officer. If required by the Court, such verification must be procured by commission or as otherwise ordered.

Civil L.R. 100.4 Suits In Forma Pauperis

Unless allowed by the Court, no process in rem must issue in forma pauperis suits, except upon proof of 24 hours' notice of the filing of the complaint to the owner of the res or the owner's agent.

Civil L.R. 100.5 Security for Costs

No complaint in Supplemental Rule B, C, D or F actions must be filed, except by the United States or by court order, unless the party offering the same filed Security for Cost as prescribed in Civil L.R. 67.2.

Civil L.R. 100.6 Summons to Show Cause Why Funds May Not Be Paid Into Court

A summons issued pursuant to Supplemental Rule C(3), dealing with freight or the proceeds of property sold or other intangible property, must direct the person having control of the funds, at a date fixed thereby which must be at least 10 days after service thereof (unless the Court, for good cause shown, shortens the period) to show cause why said funds may not be paid into Court to abide the judgment. Funds paid into Court are subject to the provisions of Civil L.R. 67.4.

Civil L.R. 100.7 Publication Where Property Arrested

- (a) Publication required by Supplemental Rule C(4) must be made once in a newspaper of general circulation within the district in which the arrest is made, designated by order of the Court.
- (b) If the property arrested is not released within 10 days after execution of process, publication must be made by plaintiff or intervenor within 17 days after execution of process, unless otherwise ordered by the Court.

Civil L.R. 100.8 Publication of Notice of Sale

Notice of sale of property in suits in rem and quasi in rem, except in suits on behalf of the United States where other notice is prescribed by statute, must be caused by the United States Marshal to be published in the newspaper of largest general circulation within the district in which the seizure was made. Such publication must occur at least twice: the first at least 7 calendar days prior to the date of the sale and the second at least 3 calendar days prior to the date of sale, unless otherwise ordered by the Court.